

Appln No. 09/804,815
Amdt date August 25, 2009
Reply to Office action of June 25, 2009

REMARKS/ARGUMENTS

Claims 1-3, 5, 6, 8-19, 21-34, 46-52, 55-57, 59, 60, and 64-66 are currently pending in this application. Claim 66 has been amended. The amendment finds full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration and an early indication of allowance of pending claims 1-3, 5, 6, 8-19, 21-34, 46-52, 55-57, 59, 60, and 64-66 are respectfully requested.

Claim 66 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, Applicant has amended claim 66 to fix a typographical error. Applicant submits that the amendment now overcomes the rejection under 35 U.S.C. 112, second paragraph. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully requested.

Claims 1-3, 5, 6, 8-19, 21-34, 46-52, 55-57, 59-60 and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,263,505) in view of Sahota et al. (U.S. Patent No. 7,530,016). Applicant respectfully traverses this rejection.

Claim 1 recites a method for providing ITV content via a server over a data communications network that requires, among other things

"generating, by a computer separate from the server and the client, a particular message associated with at least one of the downloaded ITV components of a particular television episode, the particular message including a message type identifier identifying a specific layout template for displaying the at least one of the downloaded ITV components in a specific layout format;

transmitting the particular message by the computer over the data communications network;

during the particular television episode the client receiving transmitted by the computer over the data communications network, the particular message being received separately from the at least one of the downloaded ITV components;

retrieving by the client the message type identifier from the received message;

retrieving by the client the layout template stored in the client specific to the retrieved message type identifier;

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formatting by the client the at least one of the downloaded ITV components in the specific layout format based on the retrieved layout template; and

displaying by the client the at least one of the downloaded ITV components on the display in the particular layout format, wherein the message type identifier minimizes data transfer over the data communications network by avoiding transmitting with the message specific graphics data that achieves the particular layout format."

The Examiner acknowledges that Walker fails to disclose the above limitations of claim 1, but relies on Sahota to make up for these deficiencies. Specifically, the Examiner contends that Sahota's XML file is the claimed "message." (See, final Office action, p. 5, section 10). Applicant respectfully disagrees.

Sahota discloses a system and method for designing and transforming HTML content for execution on multiple set-top boxes (STBs). (See, Col. 2, lines 15-29; Col. 4, lines 52-55). In Sahota's system, a user uses the STB to request access to a web page having HTML content. The request is processed by a syndication server 110 that communicates with platform 130 to provide the requested web page to the STB. The platform uses predefined capture templates to extract data from the HTML content. (See, Col. 5, lines 14-25). For example, the capture template can be an XML file or document that is created by selectively navigating and extracting data from the HTML content. (Col. 3, lines 24-35). A standardized data stream is then generated from the XML file. (See, Col. 4, lines 56-65). The syndication server can then send the standardized data stream to the STB for display. (See, Col. 6, lines 24-27).

Assuming *arguendo* that Sahota's XML template file is the claimed "message," and that the XML template is transmitted to the STB, nothing in Sahota teaches or suggests that the XML template file includes a "message type identifier" that is retrieved for "retrieving by the client the layout template stored in the client specific to the retrieved message type identifier" for "formatting by the client the at least one of the downloaded ITV components in the specific layout format based on the retrieved layout template." Instead, in Sahota, once the syndication server creates the XML file, the XML file is not used to retrieve another "layout template stored

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in the client specific to the retrieved message type identifier." Instead, once the XML file is received, it is transformed into a displayable format via an XSL application. (See, Col. 10, lines 59-65).

Furthermore, even the combination of Walker and Sahota fails to meet the requirement that that the claimed "message" be "received [by the STB] separately from the at least one of the downloaded ITV components" for then "displaying [by the STB] the at least one of the downloaded ITV components on the display in the particular layout format." (Emphasis added). Instead, the use of Sahota's syndication server in Walker's system would result in the web pages that the web site server 70 in Walker transmits to the viewer 80 to be displayed in a synchronized manner with actions and events in a video program, to instead be converted by Sahota's syndication server 110 into an XML file for transmitting the XML file to the viewer 80 instead. The XML file, however, would actually contain the contents of the web pages provided by the web site server 70 that are intended to be displayed by the viewer 80. Accordingly, claim 1 is in condition for allowance.

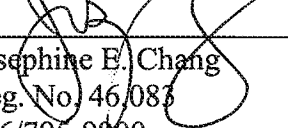
Independent claims 17, 46, and 49 include limitations similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, an early indication of allowance of claims 17, 46, and 49 is also respectfully requested.

Claims 2-3, 5, 6, 8-16, 18, 19, 21-34, 47, 48, 50-52, 55-57, 59, 60, and 64-66 are in condition for allowance because they depend on an allowable base claim and for the additional limitations that they contain.

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In view of the above amendments and remarks, Applicant respectfully requests reconsideration and an early indication of allowance of the now-pending claims 1-3, 5, 6, 8-19, 21-34, 46-52, 55-57, 59, 60, and 64-66.

Respectfully submitted,
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